

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN ROWSHAWN HOYE,	)	
	)	Civil Action No. 2: 17-cv-0020
Plaintiff,	)	
	)	Judge Nora Barry Fischer/
v.	)	Magistrate Judge Cynthia Reed Eddy
	)	
ALLEGHENY COUNTY MEDICAL	)	
STAFF through CORIZON; DEPUTY	)	
LATOYA WARREN; WARDEN	)	
ORLANDO HARPER, and WESTER	)	
PHYSC,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

On January 5, 2017, *pro se* Plaintiff Nathan Rowshawn Hoye initiated the above captioned civil rights action against the Allegheny County Medical Staff, through Corizon, and the Warden and Deputy Warden of the Allegheny County Jail. Plaintiff filed an Amended Complaint on September 13, 2017, in which he added Western Psychiatric Hospital, incorrectly identified as Wester Physc. In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Cynthia Reed Eddy.

Presently before the Court are motions to dismiss filed by the Defendants and a motion for injunctive relief filed by Plaintiff. On September 19, 2017, Defendant Allegheny County Medical Staff Dept. through Corizon (hereinafter referred to as “Corizon”) filed its motion to dismiss (Docket No. 44) and brief in support (Docket No. 45). On September 28, 2017, Defendants Deputy Latoya Warren and Warden Orlando Harper filed their motion to dismiss (Docket No. 46) and brief in support (Docket No. 47). On November 13, 2017, Plaintiff filed his Response (Docket No. 56) to both motions to dismiss.

On January 19, 2018, Plaintiff filed a motion for injunctive relief (Docket No. 74) and supplemented his motion on February 13, 2018. (Docket No. 92). Defendants have responded in opposition to Plaintiff's motion for injunctive relief. (Docket Nos. 82, 84, and 95).

Magistrate Judge Eddy issued a Report and Recommendation on February 28, 2018 (Docket No. 105), recommending that (i) the motions to dismiss be granted and the case be dismissed with prejudice; (ii) the motion for preliminary injunction be denied as Plaintiff has failed to establish the likelihood of success on the merits; and (iii) all claims against Western Psychiatric Hospital be dismissed *sua sponte*. Service of the Magistrate Judge's Report and Recommendation was made on the parties, who were informed that, in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had until March 15, 2018 (ECF users) and March 19, 2018 (non-ECF users) to file written objections. Since the filing of the Report and Recommendation, Plaintiff has filed a number of documents which the Court will deem to be objections to the Report and Recommendation: Docket No. 113 filed on March 8, 2018; Docket No. 117 filed on March 9, 2018; and Docket No. 122 filed on March 26, 2018. Plaintiff's filings are difficult to comprehend, but it appears that Plaintiff objects to the recommendation that Defendants Corizon, Warren, and Harper be dismissed. He does not seem to object to the recommendation that Western Psychiatric Hospital be dismissed. Defendants did not file objections nor a response to Plaintiff's objections.

On March 26, 2018, Plaintiff filed a document entitled, "Motion Too Implemize Constitutional Claim." (Docket No. 123). Again, this document is hard to comprehend, but it appears that Plaintiff may be seeking leave to amend his complaint to include a new constitutional claim based on ACJ's refusal to allow Plaintiff to "receive [his] medical records."

AND NOW, this 28<sup>th</sup> day of March, 2018, after undertaking an independent review of the record, carefully considering the parties' positions with respect to the pending motions, and conducting a *de novo* review of Magistrate Judge Eddy's Report and Recommendation,

Plaintiff's Objections (Docket Nos. 113, 117, and 122) will be overruled, as the Court finds them to be without merit;

The Report and Recommendation (Docket No. 105) will be adopted as the Opinion of the Court;

Defendant Corizon's Motion to Dismiss (Docket No. 44) will be granted;

Defendants Warren and Harper's Motion to Dismiss (Docket No. 46) will be granted;

Pursuant to the authority granted courts by 28 U.S.C. § 1915A(b)(1), Defendant Western Psychiatric Hospital will be dismissed *sua sponte* for Plaintiff's failure to state a claim upon which relief can be granted;

Plaintiff's Motion for Injunctive Relief (Docket No. 74) as supplemented by Docket No. 92 will be denied;

Plaintiff's "Motion to Imphasize Constitutional Claim" (Docket No. 123) will be denied.

An appropriate Order follows.

s/ Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: NATHAN ROWSHAWN HOYE  
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All counsel of record  
(via ECF electronic notification)